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Third report of the Secretary-General pursuant to resolution 1343 (2001) regarding Liberia

I. Introduction

1. In paragraph 12 of its resolution 1343 (2001) of 7 March 2001, the Security Council requested me to submit to it a first report by 30 April 2001 and to report thereafter at six-month intervals, drawing on information from all relevant sources, including the United Nations Office in Liberia (UNOL), the United Nations Mission in Sierra Leone (UNAMSIL) and the Economic Community of West African States (ECOWAS), on whether Liberia had complied with the demands in paragraph 2 of that resolution, and on any progress made towards the objectives set out in paragraph 3 of the resolution.

2. The present report, the third in the series, is submitted pursuant to that request and contains information provided to the United Nations Office in Liberia by the Government of Liberia relative to paragraph 2 (a) to (e) of resolution 1343 (2001) as well as information provided by UNAMSIL relative to paragraph 3 (a) to (d). The report also contains information provided by ECOWAS.

II. Information provided by the United Nations Office in Liberia, UNAMSIL and ECOWAS regarding Liberia's compliance with resolution 1343 (2001)

A. Information from the United Nations Office in Liberia

3. As members of the Security Council have been made aware in my two previous reports, the capacity of the United Nations Office in Liberia to provide independent confirmation of claims by the Government of Liberia regarding its compliance with paragraph 2 of the resolution is severely handicapped. Consequently, the role of the Office consisted largely of examining and transmitting documents provided to it by the Government of Liberia as corroborating evidence of its compliance with the resolution. Those documents, a list of which is annexed to this report, are available in the Secretariat.

4. According to the United Nations Office in Liberia, the Government of Liberia reiterates earlier submissions, documented in my second report to the Council (S/2001/1025), adding that they remain valid for the purposes of the present report. In addition, the Government of Liberia has stated that it does not have anything new to add to the letter from the Minister for Foreign Affairs dated 28 June 2001 addressed to me and a subsequent one dated 5 September 2001 addressed to the Office, which sought to encompass the Government's response to the issues raised in paragraph 2 of resolution 1343 (2001), as follows:

Paragraph 2 (a) of resolution 1343 (2001): expulsion of all RUF members from Liberia, and prohibition of all RUF activities on its territory

Paragraph 2 (b) of resolution 1343 (2001): cessation of all financial and military support to RUF, including all transfers of arms and ammunition, all military training and the provision of logistical and communications support, and taking steps to ensure that no such support is provided from the territory of Liberia or by its nationals

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5. The Government of Liberia has reiterated its earlier submission on the subject of disengagement with RUF in accordance with its policy of disengagement as adopted on 12 January 2001.

6. The Government has also reaffirmed that Sam Bockarie was expelled from the country one month before the adoption of resolution 1343 (2001). The Government of Liberia insists that it is eager to receive information on the possible whereabouts of Sam Bockarie and indeed invites Member States to ascertain the alleged presence of the former RUF field commander within Liberian territory.

7. The Government of Liberia contends that the most significant illustration of its policy of disengagement is the phenomenal progress recorded in the peace process in Sierra Leone, culminating in President Tejan Kabbah's declaration that the civil war in Sierra Leone had come to an end; the full cooperation exhibited by the RUF leadership in the disarmament, demobilization and reintegration programme in Sierra Leone; the transformation of RUF into a political party and its current participation in Sierra Leone's electoral process; and the creation of an enabling environment for sustainable peace and stability throughout the country as evident in the lifting of the state of emergency by the Sierra Leonean authorities. No less significant, in the Government's view, is the fact that there has been no record of armed hostilities in Sierra Leone for over a year.

8. The Government of Liberia also invites attention to the fact that some progress has been achieved in the consolidation of peace and security among the Mano River Union States. It points out that the only sustainable option is the encouragement of the ongoing Rabat process, which has already led to a meeting of the Heads of State of Liberia, Sierra Leone and Guinea; the deployment of joint security border and confidence-building units; cross-border security cooperation; and the agreement on the expulsion of dissidents from member countries. The Government of Liberia adds that the Joint Security Committee is expected, shortly, to undertake a tour of all three Mano River Union countries by road and formally open all borders, appoint military liaison officers, and harmonize communications frequency among the three countries. The Government of Liberia views the impending second Mano River Union summit gathering in Rabat as further evidence of firm commitment at the highest levels in the three countries to consolidate peace and security in the subregion.

Paragraph 2 (c): cessation of all direct or indirect import of Sierra Leone rough diamonds which are not controlled through the certificate of origin regime of the Government of Sierra Leone

9. The Government of Liberia reports that the ban on the importation of uncertified rough diamonds and the related ban on the export of Liberian diamonds continue to be vigorously enforced by customs personnel from the Ministry of Finance and security officers of the Ministry of Justice, who are stationed at every port of entry.

10. The Ministry of Lands, Mines and Energy has drafted a certification regime in keeping with the demands of the Security Council and based on the Kimberley Process, wherein a centralized export process is put into place to involve the Ministry of Lands, Mines and Energy, the Ministry of Finance and the Central Bank of Liberia. The ultimate objective of the Government of Liberia in institutionalizing such a system is to enhance transparency and legitimacy in the trade in diamonds in Liberia.

Paragraph 2 (d): freezing of funds or financial resources or assets that are made available by nationals of Liberia or within its territory directly or indirectly for the benefit of RUF or entities owned or controlled directly or indirectly by RUF

11. No information was provided to the United Nations Office in Liberia by the Government of Liberia on this issue.

Paragraph 2 (e): grounding of all Liberia-registered aircraft operating within Liberia's jurisdiction until it updates its register of aircraft pursuant to annex VII to the Chicago Convention on International Civil Aviation of 1944 and provides to the Council the updated information concerning the registration and ownership of each aircraft registered in Liberia

12. Even prior to the Secretary-General's second report, the Government of Liberia had deregistered and effectively closed the Liberian Air Registry. It continues to engage the International Civil Aviation Organization (ICAO) in working out iron-clad mechanisms that would effectively block any

clandestine use of Liberian aircraft nationality and registration marks while instituting a new registration mark acceptable to ICAO.

B. Information from the United Nations Mission in Sierra Leone

13. The Mission states that it has been given assurance by the leaders of the now defunct faction (RUF) that it has ceased all contacts with the Government of Liberia, which has also made public pronouncements confirming that it maintains no contact with RUF. Given the sustained cooperation of RUF with UNAMSIL during the period of disarmament and demobilization, UNAMSIL says it has no reason to believe that RUF has received military or related support from the Government of Liberia during the period under review.

14. UNAMSIL points out, however, that it does not have the capacity to monitor compliance with some aspects of paragraph 2, especially the demand that all RUF members be expelled from Liberia. It should be recalled that the whereabouts of Sam Bockarie remain a mystery, except that he is not in Sierra Leone, according to UNAMSIL.

Paragraph 3 (a): free access for UNAMSIL throughout Sierra Leone

15. UNAMSIL further reports that during the period of disarmament and demobilization, RUF had allowed UNAMSIL free access throughout Sierra Leone. UNAMSIL is currently deployed throughout the country. In keeping with its undertaking at the first tripartite meeting (Government of Sierra Leone, UNAMSIL, RUF) on 15 May 2001, RUF has complied with all major decisions, including allowing UNAMSIL free access throughout the country and to areas under its control.

Paragraph 3 (b): release of all abducted civilians

16. As indicated in the second report of the Secretary-General, RUF has released a total of 1,169 children to UNAMSIL. A significant number of them have already been reunited with their families.

Paragraph 3 (c): entering of RUF fighters in the disarmament, demobilization and reintegration programme

17. During the period under review, RUF has continued to cooperate with UNAMSIL and with the National Committee on Disarmament, Demobilization and Reintegration. Consequently, the Joint Committee on Disarmament and Reintegration, which comprises the Government of Sierra Leone, RUF and UNAMSIL, met on 17 January 2002 and declared that the disarmament process had been completed. Since 18 May 2001, when the process of disarmament resumed, until its completion on 17 January 2002, a total of 19,183 RUF combatants were disarmed.

Paragraph 3 (d): return of all weapons and other equipment seized from UNAMSIL

18. UNAMSIL has pointed out that RUF has returned only 199 weapons, including 63 recovered during the disarmament process, 10 vandalized vehicles and 20 stripped armoured personnel carriers. A considerable number of the weapons it had seized still remain unaccounted for.

C. Information from the Economic Community of West African States

19. An ECOWAS Mediation and Verification Mission visited Liberia from 27 March to 3 April 2002 to, among other things, verify Liberia's compliance with the demands contained in resolution 1343 (2001). The Mission was headed by Mali and the other members were drawn from Côte d'Ivoire, Guinea, Ghana and Nigeria and the ECOWAS Executive Secretariat.

20. The Mission conducted interviews and held interactive sessions with government officials and other Liberians. According to the Mission, the position of the Government of Liberia with regard to paragraph 2 (a) to (e) of the resolution is that:

(a) The Government has expelled all RUF rebels from Liberia and no longer has either direct or indirect contact with that organization;

(b) There are no assets or financial resources of RUF in the territory of Liberia and the Government of Liberia is not engaged or involved in the illegal trafficking of arms, and has not solicited arms from any third party;

(c) The Government of Liberia has banned the importation of rough diamonds from Sierra Leone and has taken measures towards establishing a certificate of origin regime based on the Kimberly Process. In this regard, the Government of Liberia assured the Mission that it had banned all imports and exports of rough diamonds in its territory. The Government of Liberia, the Mission was informed, had sought financial assistance from the United Kingdom Government and the European Union. Further contacts revealed that Liberia would need about US$ 2 million to establish such a diamond certification regime. It is alleged that the process has now stalled because the High Diamond Council, which showed an initial willingness to assist Liberia, is now under unidentified external pressure not to do so. The Mission also confirmed from diplomatic sources that the Government of Liberia had made concerted efforts to ensure the establishment of a transparent and internationally verifiable certification regime. The Mission considers that Liberia needs to be assisted to meet this Security Council demand;

(d) The Government has grounded and deregistered all aircraft known to belong to the Liberian Registry. Concerted efforts are being made to reorganize the Registry with the assistance of ICAO. Government sources informed the Mission that the Government had taken steps to improve Liberia's air traffic registry and airspace management, and that it had embarked on a civil aviation reform programme and was seeking the assistance of ICAO to that end. ICAO was said to have demanded the sum of $19,000 for technical assistance, which the Government is said to have paid. The Government is in the process of selecting an ICAO expert to come to Liberia and assist in the programme. Liberia has been managing its own airspace because of problems with the Roberts Flight Information Region, which comprises Liberia, Guinea and Sierra Leone. The Government has acquired new equipment and, in the improved political climate among the Mano River Union States, a memorandum of understanding has been prepared, which Liberia has signed, and which will facilitate cooperation in air traffic management in the Mano River Union area. The Government further indicated that all Liberian-registered aircraft have been grounded and deregistered. The Government has requested ICAO to change Liberia's identification mark from "EL" to "A8".

21. The Government of Liberia pointedly remarked, with regard to paragraph 3 (a) to (d), that the intent of the sanctions on Liberia has been overtaken by events in Sierra Leone, for the following reasons:

(a) UNAMSIL and the Sierra Leone Army are now deployed throughout Sierra Leone;

(b) All abductees have been released;

(c) All RUF combatants in Sierra Leone have been disarmed and are now undergoing demobilization and reintegration. In addition, RUF has transformed itself into a political party and is participating in the voter registration process and in the presidential elections scheduled for 14 May 2002;

(d) The Government of Sierra Leone has officially declared the war in Sierra Leone over and lifted the state of emergency.

22. Unofficial views which were obtained by the ECOWAS Mission include the following:

(a) It is difficult to verify and establish the exact extent of the disengagement from RUF of the Government of Liberia. There was general agreement that Sam Bockarie has not been seen in public or heard of since the Government announced that he had left the country;

(b) No complaints have come from neighbouring countries accusing the Government of Liberia of supporting dissidents to destabilize their countries;

(c) The media's ability and capacity to investigate government claims is limited, especially in view of Liberia's recent imposition of a state of emergency;

(d) It is not clear where the Government gets its arms and ammunition to fight the rebels;

(e) The diamond business is such an intricate network that it is difficult to understand and unravel. Only those involved in the business know what is going on, although, on the surface, one could say that the illegal diamond smuggling business has diminished since the imposition of the sanctions.

23. The ECOWAS Mission recommends that:

(a) The Government of Liberia should be assisted to implement the certificate of origin regime for trade in rough diamonds;

(b) The rebel movement Liberians United for Reconciliation and Democracy (LURD) should be encouraged to abandon the armed struggle, and join the peace process;

(c) Liberia should be assisted to consolidate its peace process;

(d) The international community should engage the Liberian leadership constructively.

Annex

Documents provided by the Government of Liberia

1. Letter dated 28 June 2001 addressed to the Secretary-General by the Minister for Foreign Affairs, submitting the second report on initiatives taken and measures being implemented by the Government of Liberia towards compliance with Security Council resolution 1343 (2001), especially paragraph 2 thereof.

2. Letter No. MFA/0257/2-1/'01 addressed to the United Nations Office in Liberia by the Liberian Foreign Minister which tries to encompass the issues raised in resolution 1343 (2001) and the Government's response to them.

3. Report dated 20 August 2001 submitted by the Liberian Ministry of Transport on air traffic management in Liberia.

4. Circular No. 009 distributed worldwide among civil aviation authorities by the Government of Liberia, intimating to the former its decision to revoke the certificates of all Liberian-registered aircraft as well as the closure of its Aircraft Registry.

5. Letter No. MFA/0111/2-1/'02 dated 18 April 2002 addressed to the Chairman of the Security Council Committee on sanctions against Liberia.

6. Report of the meeting of the Ministers for Foreign Affairs of the Mano River Union, Agadir, Morocco, 7 and 8 April 2002.

7. Letter No. MFA/0116/2-1/'02 dated 18 April 2002 addressed to the Minister for Foreign Affairs of Morocco by the Liberian Foreign Minister, providing the former with details of troop deployment on the Liberia/Guinea and the Liberia/Sierra Leone borders.